

REMARKS

Presently, claims 1-2, 6-17, 20, 22-28, 32-33, 36, 38, 41-42, 45, 47-48 and 53-64 are pending in the application. Claims 4-5, 34, 39-40, 43-44, 46, 49-50 and 52 have been canceled. Independent claim 1 has been amended to incorporate the allowable subject matter of claim 5. Independent claim 13 has been amended to incorporate the allowable subject matter of claim 52, to overcome an antecedent basis objection made by the Examiner, and to overcome the Examiner's § 112, second paragraph rejections, discussed in greater detail below. Dependent claims 16 and 17 have been amended to be consistent with the amendments to independent claim 13 and to overcome Examiner's § 112, second paragraph rejections. Independent claim 28 has been amended to incorporate the allowable subject matter of claim 34. Independent claim 42 has been amended to incorporate the allowable subject matter of claim 46, and to overcome Examiner's § 112, second paragraph rejections. Dependent claims 6, 20, 45 and 47 have been amended such that these claims now depend from independent claims 1, 13 and 42, respectively. New independent claim 53 has been added to recite the allowable subject matter of independent claims 28 and 38. New independent claim 59 has been added to recite the allowable subject matter of independent claims 28 and 41. New dependent claims 54-58 and 60-64, corresponding to original claims 32-34, 36, 38 and 41, have been added to depend from new independent claims 53 and 59, respectively. Since the claim amendments are of a formal nature, no new matter has been added to the application by the foregoing amendments.

Allowable Subject Matter

The Examiner has objected to claims 5-8, 20, 22-25, 34, 38, 41 and 52, but stated that these claims would be allowable if rewritten in independent form to include all features of the base claim and any intervening claims.

The Examiner has also stated that claims 46-48 would be allowable if rewritten to overcome the Examiner's §112, second paragraph, rejections and if rewritten to include all features of the base claim and any intervening claims. Applicant thanks the Examiner for this indication of allowable subject matter.

Independent claim 1 has been amended to incorporate the features of original claims 4 and 5. Thus, claim 5 has been rewritten in independent form to incorporate all features of the base claim (original claim 1) and intervening claims (claim 4). Therefore, Applicant respectfully submits that independent claim 1 is allowable and that the Examiner's objection to claim 5 is overcome. Dependent claims 2 and 6-12 are allowable at least by their dependency on amended independent claim 1.

Independent claim 13 has been amended to incorporate the features of original claim 52. Thus, claim 52 has been rewritten in independent form to incorporate all features of the base claim (original claim 13). Additionally, in view of the amendments and remarks set forth herein, Applicant respectfully submits that independent claim 13 as amended overcomes the Examiner's antecedent basis objection and to overcome the Examiner's §112, second paragraph rejection of dependent claims 16 and 17. Therefore, Applicant respectfully submits that independent claim 13 is allowable that the Examiner's objection to claim 52 is overcome. Dependent claims 14-17, 20 and 22-27 are allowable at least by their dependency on amended independent claim 13.

Independent claim 28 has been amended to incorporate the features of original claim 34. Thus, claim 34 has been rewritten in independent form to incorporate all features of the base claim (original claim 28). Therefore, Applicant respectfully submits that independent claim 28 is allowable that the Examiner's objection to claim 34 is overcome. Dependent claims 32-33, 36, 38 and 41 are allowable at least by their dependency on amended independent claim 28.

Independent claim 42 has been amended to incorporate the features of original claims 43, 44 and 46. Thus, claim 46 has been rewritten in independent form to incorporate all features of the base claim (original claim 42) and intervening claims

(claims 43 and 44). Additionally, in view of the amendments and remarks set forth herein, Applicant respectfully submits that independent claim 42 as amended overcomes the Examiner's §112, second paragraph rejection of claims 42-50. Therefore, Applicant respectfully submits that independent claim 42 is allowable that the Examiner's objection to claim 46 is overcome. Dependent claims 45 and 47-48 are allowable at least by their dependency on amended independent claim 42.

New independent claims 53 and 59 have been amended to incorporate the features of original claim 38 and 41, respectively. Thus, claim 38 and 41 have been rewritten in independent form to incorporate all features of the base claim (original claim 28). Therefore, Applicant respectfully submits that independent claims 53 and 59 are allowable that the Examiner's objection to claims 38 and 41 is overcome. Dependent claims 54-58 and 60-64 are allowable at least by their dependency on independent claims 53 and 59, respectively.

Claims 5, 34, 46 and 52 have been canceled. Reconsideration and withdrawal of the Examiner's objection to claims 5-8, 20, 22-25, 34, 38, 41, 46-48 and 52 are respectfully requested.

Claim Objections

The Examiner has objected to claim 13 for containing an antecedent basis error. Applicant has amended claim 13 to read "at least one of a plurality of subscriber groups...", to correct this error and to overcome the Examiner's §112, second paragraph rejection, discussed in greater detail below. Reconsideration and withdrawal of the Examiner's objection to claim 13 are respectfully requested.

Claim Rejection – §112, first paragraph

The Examiner has rejected claims 39, 40, 49 and 50 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

Claims 39, 40, 49 and 50 have been canceled. Accordingly, the Examiner's rejection of claims 39, 40, 49 and 50 is moot.

Claim Rejection – §112, second paragraph

The Examiner has rejected claims 16, 17 and 42-50 under 35 U.S.C. § 112, second paragraph, as being indefinite.

With respect to claims 16 and 17, the Examiner contends that it is unclear whether the language “wherein each presentation stream is assigned to one of a plurality of subscriber groups” and “each subscriber group” refers to the subscriber groups introduced in claim 13 or claim 16. Claim 13 has been amended to recite “...to transmit each of said plurality of presentation channels to at least those subscriber nodes in at least one of a plurality of subscriber groups, the at least one group corresponding to said presentation channel....” Thus, independent claim 13 now properly introduces “a plurality of subscriber groups,” at least one of which corresponds to said presentation channel. Accordingly, claim 13 provides antecedent basis for “the plurality of subscriber groups” recited in dependent claims 16 and 17.

With respect to independent claim 42, the Examiner contends that the phrase “each presentation channel corresponding to one of a plurality of programming channels” makes it unclear as to whether the presentation channels correspond to the same programming channel or if each presentation channel corresponds to one individual programming channel. Claim 42 has been amended to recite “each presentation channel corresponding to an individual one of a plurality of programming channels, wherein each of the presentation channels that corresponds to the same one of said programming

channels comprises the same programming content as the programming channel to which it corresponds, but different advertising content....” Thus, Applicant respectfully submits that the features of the “presentation channels” are clearly recited in independent claim 42.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the Examiner's §112, second paragraph rejections of claims 16, 17 and 42-48 have been overcome. Claims 49-50 have been canceled. Reconsideration and withdrawal of the Examiner's § 112, second paragraph rejections of claims 16, 17 and 42-50 are respectfully requested.

Prior Art Rejections – § 103 (a)

The Examiner has rejected claims 1, 2, 4, 10-17, 28, 32, 33, 36, 39 and 42-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,550,578 to Hoarty *et al.* (“Hoarty”) in view of International Patent Application Publication No. WO 99/26415 to Bar-El (“Bar-El”).

Independent claim 1 has been amended to incorporate the allowable subject matter of claim 5. Independent claim 13 has been amended to incorporate the allowable subject matter of claim 52. Independent claim 28 has been amended to incorporate the allowable subject matter of claim 34. Independent claim 42 has been amended to incorporate the allowable subject matter of claim 46. Accordingly, independent claims 1, 13, 28 and 42 are believed to be allowable over Hoarty and Bar-El.

Dependent claims 2, 10-12, 14-17, 32, 33, 36 and 45 are allowable at least by their dependency on independent claim 1, 13, 28 and 42, respectively. Claims 4 and 39 have been canceled. Reconsideration and withdrawal of the Examiner's obviousness rejection of claims 1, 2, 4, 10-17, 28, 32, 33, 36, 39 and 42-45 are respectfully requested.

The Examiner has rejected claims 9, 26 and 27 over Hoarty and Bar-el and further in view of U.S. Patent No. 6,487,721 to Safadi ("Safadi").

As noted above, independent claims 1 and 13 are believed to be allowable over the combination of Hoarty and Bar-El, since these claims incorporate the allowable subject matter of claims 5 and 52, respectively. Thus, independent claims 1 and 13 are allowable over the combination of Hoarty, Bar-El and Safadi.

Dependent claims 9, 26 and 27 are allowable at least by their dependency on independent claim 1 and 13, respectively. Reconsideration and withdrawal of the Examiner's obviousness rejection of claims 9, 26 and 27 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the Examiner's objection and rejections have been overcome, and that the application, including claims 1-2, 6-17, 20, 22-28, 32-33, 36, 38, 41-42, 45, 47-48 and 53-64 is in condition for allowance. Reconsideration and withdrawal of the Examiner's objection and rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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